

LEGAL NOTICE  
Notice of Proposed Rulemaking  
Public Hearing

Notice is hereby given of proposed rulemaking and public hearing by the Department of Labor and Industrial Relations, Disability Compensation Division (DCD), to amend Title 12, Chapter 15, Hawaii Administrative Rules (HAR), relating to the Workers' Compensation Medical Fee Schedule, and billing codes in Exhibit A of the Workers' Compensation Supplemental Medical Fee Schedule pursuant to the Workers' Compensation Law, Section 386-72, Hawaii Revised Statutes (HRS), and the Hawaii Administrative Procedure Act, Chapter 91, HRS.

The proposed changes to Title 12, Chapter 15, Exhibit A is in response to requests to raise workers' compensation reimbursements for medical fees and services for certain billing codes. Section 386-21(c) of the Hawaii Revised Statutes, specifies the Director shall update the schedules required by this section every three years or annually, as required.

The proposed changes include:

1. Amending Subchapter 4, §12-15-90 Workers' compensation medical fee schedule by specifying that the Workers' Compensation Supplemental Medical Fee Schedule known as Exhibit A will be dated January 1, 2007.
2. Codes in Exhibit A at the end of Title 12, Chapter 15, Workers' Compensation Supplemental Medical Fee Schedule, are amended as follows:
  - a. 148 new codes have been included in Exhibit A of the Workers' Compensation Supplemental Medical Fee Schedule based on survey results that indicated cost exceeded the 2005 Medicare Par plus 10%.
  - b. 108 codes were deleted from Exhibit A of the Workers' Compensation Supplemental Medical Fee Schedule based on survey results that indicated cost was less than the 2005 Medicare Par plus 10%. The presence of these codes in Exhibit A are no longer justified. Providers can be reimbursed for these codes using the Medicare Fee Schedule for Hawaii instead of Exhibit A.
  - c. 1,005 codes were updated to reflect changes in their unit value based upon survey results that indicated cost was over the 2005 Medicare Par plus 10%.
  - d. Section title changes were done to comply with CPT. Under the heading of "OTHER SERVICES," are "Special Services, Procedures and Reports." Under the heading of "EVALUATION AND MANAGEMENT SERVICES," are "Office or Outpatient Services," "Emergency Department Services," and "Special Evaluation and Management Services."
  - e. Deleted from the end of Exhibit A are the abbreviations of "RVS" and "TM." Added are "\*Department of Labor Code," "HAR: Use pertinent

Hawaii Administrative Rule,” and “Use these fees as the maximum allowable or 110% of Medicare Resource Based Relative Value Scale System for Hawaii, whichever is higher.”

- f. Added the following notation to the start of the Radiology and Medicine section of Exhibit A to read as follows: “Fees include both the technical and professional components. In the absence of any prior agreement, the professional component shall be thirty-five percent of the scheduled fee.”
- g. Descriptive terms will no longer be listed after each code to comply with licensing agreements with the American Medical Association and the American Dental Association.

A copy of the proposed rule changes will be made available for public viewing from the first working day that the legal notice appears in the Honolulu Star Bulletin, The Honolulu Advertiser, Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island, through the day the public hearing is held, from Monday - Friday between the hours of 1:00 p.m. - 4:00 p.m., at the following locations: 830 Punchbowl Street, Room 209, Honolulu, Hawaii 96813; 2264 Aupuni Street, Wailuku, Hawaii 96793; 75 Aupuni Street, Room 108, Hilo, Hawaii 96720; 81-990 Halekii Street, Room 2087, Kealahou, Hawaii 96750, and 3060 Eiwa Street, Room 202, Lihue, Hawaii 96766. A copy of the proposed rules may be viewed at our website at <http://hawaii.gov/labor>. Copies can also be mailed at no cost, upon written request to the Disability Compensation Division’s Honolulu Office at the above address.

Interested persons may present, at the public hearing, written or oral testimony, concerning the proposals at:

HONOLULU, OAHU

September 1, 2006; 1:00 p.m.  
Keelikolani Building  
830 Punchbowl Street  
Rooms 310, 313, and 314  
Honolulu, Hawaii 96813

Five copies of the written testimony must be made available to the presiding officer at the public hearing. The public hearing will be continued, if necessary, to a time, date, and place announced at the scheduled hearing.

Interested persons unable to attend the public hearing, shall submit five copies of their written testimony concerning the proposals to the Department of Labor and Industrial Relations, Disability Compensation Division, 830 Punchbowl Street, Room 209, Honolulu, Hawaii 96813. All submissions for the record must be received at or prior to the scheduled public hearing.

Auxiliary aids and services are available upon request by calling the Disability Compensation Division at (808) 586-9151 (voice), (808) 586-8847 (TTY), or 1-888-569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodations.

It is the policy of the Department of Labor and Industrial Relations that no person shall on the basis of race, color, sex, marital status, religion, creed, ethnic origin, national origin, age, disability, ancestry, arrest/court record, sexual orientation, and National Guard participation be subjected to discrimination, excluded from participation in, or denied the benefits of the department's services, programs, activities, or employment.

Dated: July 21, 2006

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NELSON B. BEFITEL  
Director  
Department of Labor and Industrial Relations